

REGULAR CITY COUNCIL MEETING

FEBRUARY 3, 1986

PRESENT

Ruth Hansen
Craig Greathouse
Don Dafoe
David Church
Neil Dutson
Gayle Bunker

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Dorothy Jeffery

City Recorder

OTHERS PRESENT

Jim Allan
Warren Peterson
John Quick
Virginia Taylor
Bryce Ashby
Neil Forster
Alan Riding
Larry Taylor
Darlene Scott
Max Chapman
Johnny Scott
Robert Rosencrans
Brett Bishop
Chris Cox
Ammon Winsor
Clint Church
Doug Esplin
Sandy Esplin
Jerry Reagan

City Manager
City Attorney
City Engineer
City Secretary
Fire Chief
Public Works Director
Assistant Public Works Director
City Resident
City Resident
City Resident
Boy Scout
Boy Scout
Boy Scout
Boy Scout
Boy Scout
Boy Scout
City Resident
City Resident
Building Inspector

Mayor Ruth Hansen called the meeting to order at 7:05 p.m. Virginia Taylor, City Secretary, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Special City Council Meeting held January 22, 1985, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote on the motion. The motion passed unanimously.

The proposed minutes of a Public Hearing held January 27, 1986, were presented for Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED that the minutes be approved as presented. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Craig Greathouse MOVED that the accounts payable be approved for payment as listed in the amount of \$23,187.51. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further questions or comments regarding the accounts payable. There being none, she called for a vote. The motion passed unanimously.

NEIL DUTSON: DISCUSSION OF AIRPORT ANNEXATION STATUS

Mayor Ruth Hansen asked Council Member Neil Dutson to discuss with the Council his concerns regarding the proposed Airport Annexation. Council Member Dutson said that he would like to know the City's position at the present time regarding the airport annexation. Mayor Hansen said she feels that a park ordinance needs to be adopted before the annexation comes in so developers know what is required before they start developing. Further discussion of the annexation was deferred until after a presentation by John Quick.

JOHN QUICK: REVIEW OF PROPOSED WATER SYSTEM FOR AIRPORT ANNEXATION

Mayor Hansen asked City Engineer John Quick to review with the Council the proposed water system for the Airport Annexation.

Mr. Quick submitted a revised draft of the feasibility study on the proposed Airport Annexation extension of the culinary water system. Mr. Quick said that some changes have been made on the original proposal. One of the changes involves change in the Utah Power and Light Company rate schedule that was used to prepare the feasibility study.

Mr. Quick said that in preparing the water system study he started by asking, "Can this proposed annexation be of a benefit to Delta City's water system as it exists now?"

For the purpose of analysis, Mr. Quick assumed that a ten-inch main line be installed along Highway 6 connecting the existing City water system with the proposed airport annexation water system. He said that the ten-inch water line size was used so that there would be reasonable amount of flow back into the City system from the upper airport annexation system. Also, in case something happened to the upper system storage or supply, enough water could be pumped to that area to handle a reasonable fire flow.

Mr. Quick said that the existing City water system presently uses four wells for the total water supply. They are referred to as the Gardner Well, the Main Well, the Yard Well, and the Sugar Factory Row Well. The additional source that is proposed on this annexation is also a well source. He said that most of the water used in Delta City has to be pumped twice in the existing system; once into ground storage tanks and then out of the ground storage tanks by booster pumps. Mr. Quick said that if the second pumping requirement is eliminated, Delta City could possibly save money. Mr. Quick said that there are also intangible benefits by having additional elevated water storage and by having an additional water source.

Mr. Quick said that he looked at the scenario of using the airport annexation area to supply water to the City in place of pumping all of the wells in Delta. If one well could be eliminated each month, it would create a break-even situation. However, he said, if two wells could be eliminated each month, Delta City could save money on the demand charges and basic service charges on pumping the wells.

Mr. Quick said the feasibility study assumes development within the annexation area would be completed in phases. He assumed that for Phase I an elevated 100,000 gallon tank would be installed. He said that a 100,000 gallon tank would service 128 homes and when that number of connections is exceeded, additional storage or another system would have to be installed.

Jim Allan asked if it was necessary to have an elevated tank rather than a ground storage tank in the airport annexation area. Mr. Quick said that pressure needs to be generated in that area and the elevated tank provides pressure for that development. He said that an elevated tank was not needed for that system to provide pressure to the present Delta City system because the difference in ground elevation would be sufficient if the upper system was properly engineered.

Council Member Don Dafoe asked if Derral Christensen intends to install a ten-inch water line to connect the airport annexation property into Delta City's existing water system. Mr. Dafoe said that the airport annexation water system would not benefit the City unless the ten-inch line is installed and it is his understanding that the City would have to stand that expense of approximately \$162,000 to extend that ten-inch water line.

Mr. Quick said that in extending the water line to the City's existing system, there is a location in the proposed line where the water system would have 40 pounds of pressure from the lower system and his proposal is to install at least a valve there to control the water flowing down from the airport annexation development. If there is an elevated tank built into the proposed system, then a pressure regulation valve is necessary to control the pressure and the amount of water flowing into the system. The valve would add additional cost to the ten-inch water line.

Attorney Peterson said that the developer of the annexation property is interested in having construction and improvements begin as soon as the warm weather is available this year so the sale of lots can take place this summer.

Mr. Quick displayed a map and briefly discussed the proposed sewer line. Attorney Peterson said that Derral Christensen is considering installing a sewer outfall line and would like to do so if it is cost effective.

Mr. Quick then reviewed in detail with the Council the Delta - Airport Annexation Delta, Utah - Water Use Option #2 as on file.

The Council discussion then returned to the status of the proposed annexation. Attorney Peterson said that there is approximately \$370,000 assessed value in the annexation territory. Of the \$370,000, Delta Valley Farms represents \$110,000, he said. He also said that if Delta Valley Farms is annexed, it will pay approximately \$1,000 per year property tax and approximately \$100 per month in franchise tax; therefore, the benefit to Delta Valley Farms in being part of the annexation is being able to tie into the City water system. An agreement as to what water supply obligations Delta City would have on that property needs to be determined before Delta Valley Farms is interested in being annexed.

Council Member David Church asked if Delta Valley Farms would connect into Delta City's sewer system. Attorney Peterson said that no agreement has been discussed regarding the sewer system, but if Delta Valley Farms connects into the system, Mr. Johnson said he would pay to have his waste products pre-treated to be compatible with the sewer system.

Attorney Warren Peterson asked the Council, "If the airport annexation development occurs, does the City desire to have territorial jurisdiction over it? If the airport is to develop, does the City want to have territorial jurisdiction over the airport?" He said that it is nearly impossible to annex after development has occurred and if the airport annexation is going to occur, it seems critical to do the annexation now.

Council Member Craig Greathouse said he feels that if Derral Christensen is willing to risk the money for development, he should be allowed to do so under certain City guidelines; and, if Mr. Christensen will agree to connect the airport annexation water system up to Delta City with a ten-inch line and provide the pressure regulating station, the proposed annexation would be a benefit to Delta City. Mr. Greathouse said that his main concern regarding the annexation is the maintenance that will be required on the

roads within the development. Attorney Warren Peterson said that a development agreement stating that the next phase of development cannot begin until there is a certain occupancy rate in the first phase could be considered, or some other arrangement to assure sufficient revenue for roads maintenance.

There was no Council action taken regarding the proposed Airport Annexation, but Attorney Peterson said he would talk to Derral Christensen regarding development of the airport annexation area.

CHIEF ROGER YOUNG: PRESENTATION OF LIFESAVING AWARD

Mayor Ruth Hansen asked Chief of Police Roger Young to address the Council and to make presentation of a lifesaving award. Mr. Young then related the following:

On January 26, 1986, at approximately 5:00 p.m., Officer Steve Allred, along with the Delta City Ambulance, was dispatched to Cottonwood Drive in the White Sage housing tract. The call originated as a man injured or sick. Upon his arrival Officer Allred observed a man later identified as a David McDowell of Lindon, Utah, lying on the steps of a house under construction. Kneeling next to him was a man identified as Douglas Esplin and also his wife, Sandy, who live in White Sage. They explained to Officer Allred that they had been in the neighborhood on a walk through the housing tract and they decided they would like to go into one of the houses under construction to see what it looked like. They observed a truck parked in the garage of one of the houses under construction and thought they would ask someone inside if they could look inside. They knocked on the door and received no answer, but they heard an air compressor running and they smelled paint fumes coming from inside the house. They went inside to look for the painters and were not able to locate anyone. They followed the compressor hoses and found a painter slumped over in a closet, overcome by the paint fumes. The spray nozzle was still spraying paint onto the floor. They then opened the windows and the doors where they had been shut and taped. Mr. Esplin returned to the air compressor and turned it off and then asked his wife to go and call for medical assistance. Mr. Esplin then returned inside the home and dragged Mr. McDowell out of the home into fresh air to revive him. The ambulance arrived and transported Mr. McDowell to the Delta Hospital. Officer Allred talked with the doctors and they said that if Mr. McDowell had been in the house for approximately another 10 minutes, he probably would not have survived.

Chief Young said that the housing contractors had no knowledge of Mr. McDowell being in the house painting the house. Mr. McDowell may not have been found until sometime Monday Morning, which would have been another 12 hours.

Chief Young said he feels that Mr. & Mrs. Esplin deserve appreciation for their concern of their fellowmen and for their willingness to get involved.

Chief Young asked Mr. & Mrs. Esplin to come forward and requested that Mayor Hansen make the presentation. Mayor Hansen presented an award plaque, with an inscription which read:

An award of gratitude presented to Douglas Esplin and Sandy Esplin in appreciation and recognition for your heroic act in saving a life without concern for your own safety. The City of Delta and its citizens wish to express their wholehearted respect and regards for what you have done.

Chief Young again thanked the Esplins and expressed his desire for people to become more actively involved as did the Esplins.

JIM ALLAN: REVIEW OF PAUL NELSON REPORT

Mayor Hansen asked City Manager Jim Allan to review with the Council IPP Monitoring Report No. 16 (3rd quarter 1985).

Jim Allan said that there is an increase in the total population figures over those in Report No. 15 (2nd quarter 1985). For four quarters, i.e. 4th quarter of 1985, 1st through 3rd quarter of 1986, the population is projected to be approximately 10% greater than projected in Report No. 15, he said.

Fourth Quarter Population 1985	5,108
First Quarter Population 1986	4,800
Second Quarter Population 1986	4,430
Third Quarter Population 1986	4,040

Mr. Allan reviewed the population projections for the first three quarters of 1986 and explained the significance of the population decrease to the City budgets and programs. He also said that none of the present data is from the actual census taken in September, 1985. That information will be made available at the end of February in Report No. 17.

Mr. Allan said the projection for the first quarter of 1988 shows a final figure of 3,360 people, a 5% increase in total population over that projected in Report No. 15.

He said the IPP construction work force has reached its peak and remained there until the 4th quarter of 1985. The IPP operation work force (IPSC) is expected to reach its peak of 520 by the second quarter of 1986, he said.

Mr. Allan also said that the commuter patterns have changed slightly and made the following comparison:

	<u>Report No. 15</u>	<u>Report No. 16</u>	<u>Change</u>
Local Workers	10%	10%	Same
Daily Commuters	23%	22%	- 1%
Weekly Commuters	31%	29%	- 2%
Relocatees	37%	29%	+ 2%

He also said that 60% of the total IPP relocatees have brought dependants with them. This is 1% point lower over the previous report. Approximately 74% of IPP sponsored housing facilities are occupied at the end of the quarter, which is 6% lower than Report No. 15.

The Council discussed the IPP Monitoring Report briefly and the impact it would place on the Police Department for future funding of the department budget and employment of the police officers. Mr. Allan said that IPP has agreed that if the Delta City Police Department's case load and incidents warrant more officers, they would fund more officers than the present formula permits.

JIM ALLAN: DISCUSSION OF MILLARD COUNTY SANITARY LANDFILL AND DELTA CITY TRANSFER POINT OPERATIONS

Mayor Hansen asked City Manager Jim Allan to discuss with the Council the Millard County Landfill and Delta City transfer point operations.

Jim Allan said that Mayor Hansen, Council Member Craig Greathouse, and he had met with the Millard County Commissioners on January 28, 1986, and discussed billing procedures, site completion, closure of dump sites, ordinances for adoption for the landfill, and configuration of the landfill. He said that all the equipment that is necessary for the landfill operation is on hand, which includes two trucks, 14 boxes, and a 1980 Caterpillar bulldozer. According to Millard County, the projected start-up date for the Delta transfer point site is projected to be May 1, 1986, after fencing and graveling have been completed.

Mr. Allan said that Delta City will own the dump site, bearing responsibility for site maintenance and premises liability. The Delta site is a transfer site and the bins will be rotated on a daily basis, but there will be two collection bins at the site at all times and Millard County will have responsibility for the bins.

Millard County will have the responsibility of billing the unincorporated areas of Millard County. When tax notices are sent, a bill will be enclosed stating what the landfill charges are for an entire year. However, in the incorporated cities and towns in Millard County, a monthly bill will be sent to each municipality. Delta City will in turn bill residents within the City along with the water and sewer billings, he said.

Mr. Allan said that a board is being established to establish operational guidelines and procedures. Council Member Neil Dutson has been appointed as Delta City's representative to this board, he said.

He said the landfill project includes plans to close out all the existing sites. There are not enough funds, however, to cover the expense of closing out all the sites, so when the available funds have been expended, Millard County plans to charge the cities back on a pro-rata basis.

Mr. Allan presented a draft of a model ordinance proposed by Millard County entitled:

ORDINANCE NO. (Sample)

AN ORDINANCE AUTHORIZING AND DIRECTING THE PLANNING, ESTABLISHMENT, MAINTENANCE AND OPERATION OF A COMPREHENSIVE SOLID WASTE MANAGEMENT SYSTEM; THE ESTABLISHMENT AND ENFORCEMENT OF NECESSARY AND PROPER REGULATIONS FOR THE MANAGEMENT OF SOLID WASTE; THE ESTABLISHMENT AND COLLECTION OF RESIDENTIAL SOLID WASTE MANAGEMENT SERVICE CHARGES; AND FOR OTHER PURPOSES.

There was no Council action taken.

ATTORNEY WARREN PETERSON: DISCUSSION OF ABANDONED VEHICLE ORDINANCE

Mayor Hansen asked Attorney Peterson to discuss with the Council a proposed abandoned vehicle ordinance. Attorney Peterson reviewed with the Council the following memorandum:

MEMORANDUM

DATE: February 3, 1986
TO: Ruth Hansen and City Council Members
FROM: Warren H. Peterson
SUBJECT: Abandoned Vehicles

We have reviewed the Brigham City abandoned vehicle ordinance provided as a sample of such ordinances by City Manager Jim Allan. We have also reviewed the relevant provisions of the present Revised Ordinances of Delta City (1981 edition), as amended, and the Utah Traffic Code as adopted in Section 11-3-21 of the Revised Ordinances. Finally, we have interviewed members of the Police Department relative to enforcement problems they have experienced relative to abandoned vehicles.

From these resources, we have developed several recommendations for your consideration, as set out in this memorandum.

A. Nuisance Ordinance Amendments

The present City nuisance ordinances are set out in Chapter 10-300 entitled "Nuisances" of the Revised Ordinances. The specific provisions relating to maintenance of nuisances on private property are set out in Part 10-330 entitled "Nuisances on Property".

We recommend that Part 10-330 be strengthened by amendment of the definitions of nuisance set out in Section 10-331. The amendments should include definitions stating that maintenance of more than two or three unregistered motor vehicles on any lot constitutes a nuisance. Also, a definition should be added providing that storage of any partially or fully stripped automobiles, or any unsheltered and unused junked machinery, implements, equipment or other such personal property constitutes a nuisance, unless a permit has been obtained.

We also recommend that a Section 10-335 be adopted providing for removal of abandoned vehicles from private property if the vehicle is abandoned on private property for a period of more than twenty-four hours without the express or implied consent of the owner or person in lawful possession of control of the real property. The present provision regulating such abandonment provides that the vehicle be determined abandoned after a period of seven days. This provision is set out in Section 41-6-116.10(d) of the Utah Code as has been adopted under Section 11-321.A. of the Revised Ordinances.

We also recommend that a procedure be adopted as Section 10-336 of the Revised Ordinances whereby the storage of more than two or three unregistered motor vehicles or the storage of any stripped or junked vehicles, machinery, implements or other such personal property would require a permit. The proposed section would also set out the conditions under which permits could be obtained. Procedures like those set out in the Brigham City ordinance would be appropriate.

B. Amendment of Motor Vehicle Code

We also recommend that the latest motor vehicle code promulgated by the State of Utah be adopted. The last edition adopted by Delta City was the 1980 edition of the Utah Traffic Code.

The Utah Traffic Code provides that no person shall abandon a vehicle upon any highway. A highway is defined as "the entire width between the boundary lines

of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel". 41-6-1(17). The present statute provides in Section 41-6-116.10(c) that any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle or cause it to be removed. The vehicle is presumed to be abandoned if left unattended on a highway for a period in excess of twenty-four hours.

This provision would be sufficient to remove vehicles located in the public street rights-of-way within Delta City if an enforcement program was carried out. We recommend that the City Police Department establish procedures for the enforcement of this statute as already adopted by the Delta City ordinances, rather than establish a new ordinance. As an alternative, the Council could establish specific procedures by which abandoned vehicles would be identified and removed from the city street rights-of-way.

C. Coordination with Zoning Ordinance

Storage of junked or wrecked motor vehicles and operation of wrecking or junk yard is typically regarded as a land use regulation and is encompassed within the Zoning Ordinance. Such a provision may be incorporated within the proposed Zoning Ordinance.

In addition, the right to store abandoned, wrecked or junked motor vehicles could be dealt with under the Business License Ordinances and could require inspection of premises and compliance with certain standards such as fencing, screening, maintenance of inventory and other related standards.

We request that the City Council consider and discuss these recommendations and determine which of them should be incorporated into the proposed ordinances. Please let us know of any further information or evaluation that may be helpful.

WHP

Attorney Peterson said that Section 41-6-116.10 of the Utah Code providing for removal of abandoned vehicles in certain cases was adopted by Delta City in 1981 and is in effect, but not being fully enforced. Mr. Peterson suggested that rather than adopting a new ordinance, the Council should instruct the Police Department on enforcement procedure the Council wishes to implement, then give the Police Department the necessary backing to carry out those instructions.

Mr. Peterson said that the City is in need of an ordinance regarding vehicles kept on private property and recommended that a limit be established as to how many vehicles could be kept on private property.

Following further discussion of abandoned vehicles, it was decided by the Council to remove an abandoned vehicle from private property after a period of 24 hours of abandonment. Attorney Peterson suggested that the Council define a nuisance to include maintaining more than two or three vehicles that are unregistered, but still in one piece. He also recommended a stripped vehicle on someone's property in public view be declared a nuisance and that person would be obligated to abate that nuisance. He proposed a nuisance abatement procedure under which a person would be given notice to remove an abandoned vehicle and if the vehicle is not removed, the City can have it removed.

The Council decided that not more than two unregistered vehicles would be allowed on a person's property if these vehicles can be seen from a public street.

JIM ALLAN: DISCUSSION OF MANUFACTURED HOUSING ORDINANCES

Mayor Hansen asked City Manager Jim Allan to discuss with the Council a proposed manufactured housing ordinance. Mr. Allan asked Building Inspector Jerry Reagan to address the Council concerning this issue.

Jerry Reagan said that there are presently trailers, modular homes, and mobile homes in Delta City. He has been asked if manufactured homes can be placed in Delta City under the present zoning ordinance. Attorney Warren Peterson said that the present ordinances address mobile homes and modular homes, but does not address manufactured homes.

Mr. Reagan defined a manufactured home as a home brought in on a chassis and labeled as a manufactured home. The main part of the chassis has to be removed and the home bolted on a permanent foundation, he said. Concrete footings and piers are required and a pitched roof is also required.

Following further discussion of the manufactured homes, Council Member Gayle Bunker suggested that the Planning & Zoning Commission review the issue and make a recommendation whether or not a new ordinance is needed regarding manufactured housing.

ATTORNEY WARREN PETERSON: DISCUSSION OF THOMAS INVESTMENTS WATER EXCHANGE PROPOSAL

Mayor Hansen asked Attorney Peterson to discuss with the Council the Thomas Investments water exchange proposal.

Mr. Peterson reported the following discussion: Roma Thomas of Thomas Investments said that when Hatch Farnsworth was mayor of Delta City, the City installed and covered a water line in a ditch on Jack Thomas' property. Mrs. Thomas said Mayor Farnsworth told them that Delta City would trade a water connection for the use of their ditch for the water line. Mrs. Thomas

said that there was nothing in writing regarding this agreement. She said the next mayor, Leland Roper, said that he could not honor that commitment because the Delta City Council had imposed a moratorium on water connections outside the City limits and the Thomas property was not then part of Delta City.

Mrs. Thomas said that Mayor Grant Nielson had agreed to a consideration of an exchange of a water right approved for diversion from a location in the Sugar Factory Row annexation for consideration on a connection to the City water system. Thomas' want to exchange that water right to the City in exchange for the City granting some concession on installing water lines into the property when the new water lines are installed in the Sugar Factory Row area. Mrs. Thomas is also requesting a written agreement to that effect for future reference, he said.

Attorney Peterson said that he suggested that Mrs. Thomas wait until they want connections on the property, then convey that water right in lieu of their water dedication requirement. Mrs. Thomas said that they would rather receive a direct exchange for the market value of the water right.

The Council briefly discussed the water exchange proposal, with no decision being made.

Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member David Church MOVED to adjourn the meeting. The motion was SECONDED by Neil Dutson. Mayor Hansen declared the meeting adjourned at 10:25 p.m.


RUTH HANSEN, Mayor

Attest:


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: March 10, 1986